

REMARKS

This application has been carefully reviewed in light of the Office Action dated December 3, 2007. Claims 1 to 9 are currently in the application, with Claim 1 being the sole independent claim. Reconsideration and further examination are respectfully requested.

Claim 9 is objected to for an informality. Applicants have amended Claim 9 to address the informality noted in the Office Action. Withdrawal of the objection to Claim 9 is respectfully requested.

Claim 1 is provisionally rejected on the ground of non-statutory obviousness-type double patenting over Claims 1, 3 and 6 of co-pending Application No. 11/790,759 (“the ‘759 Application”). Applicants have reviewed Claims 1, 3 and 6 in the ‘759 Application and respectfully submit that Claim 1 of the subject application is patentably distinguishable over these claims for at least the following reasons.

Independent Claim 1 of the subject application is directed to an apparatus for detecting a concentration and a remaining amount of a liquid reducing agent. The apparatus includes a sensing unit disposed in a storage tank for outputting a signal in relation to a concentration and a remaining amount of a liquid reducing agent stored in the storage tank. The apparatus also includes a control unit that, among other tasks, is configured to calculate the concentration of the liquid reducing agent based on the signal from the sensing unit. This concentration calculation is performed when two conditions are met: (1) a measurement trigger is output; and (2) it is determined that the vehicle state is stable. As indicated above, independent Claim 1 has been amended to emphasize that both of these conditions must be met before the concentration calculation is performed. The combination of these two conditions is not disclosed or suggested in Claims 1, 3 or 6 of the ‘759 Application.

Claim 1, and Claims 3 and 6 which depend from Claim 1, of the '759 Application concern a liquid reducing agent discriminating apparatus that includes a sensor and a control unit. The Office Action contends that Claims 1 and 3 disclose that a concentration of a liquid reducing agent is calculated when the measurement signal is output (Claim 1, lines 13-15) and when it is determined that the vehicle state is stable (Claim 3, line 4). Applicants respectfully disagree with this conclusion.

Nothing in Claim 3 of the '759 Application describes that calculating the concentration of a liquid reducing agent is performed upon a determination that a vehicle state is stable. Rather, Claim 3 together with Claim 1 describes adding a number to a counted number of times the calculated concentration becomes equal to or higher than an upper limit threshold or a counted number of times the calculated concentration becomes equal to or lower than a lower limit threshold when the vehicle is stopped. Performing the concentration calculation recited in Claims 1, 3 and 6 of the '759 Application is not dependent upon a determination that a vehicle state is stable.

Accordingly, Claim 1 of the subject application is believed to be patentably distinguishable over Claims 1, 3 and 6 of the '759 Application. Reconsideration and withdrawal of the provisional non-statutory obviousness-type double patenting rejection of Claim 1 are respectfully requested.

Applicants thank the Examiner for the indication that Claims 1 to 9 contain allowable subject and would be allowable if rewritten to overcome the foregoing rejection. In view of the foregoing amendment and remarks, Claims 1 to 9 are believed to be in condition for allowance and such action is respectfully requested at the Examiner's earliest convenience.

Application No.: 10/575,476

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Applicants' undersigned representative may be reached in our Orange County, California office at the telephone number shown below. All correspondence should continue to be directed to the address associated with the customer number indicated below.

Respectfully submitted,

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